



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/746,045

12/22/2000

Antonio J. Colmenarez

US 000403

9048

24737 7590 06/24/2009

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

SHAPIRO, LEONID

ART UNIT

PAPER NUMBER

2629

MAIL DATE

DELIVERY MODE

06/24/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ANTONIO J. COLMENAREZ,
ERIC COHEN-SOLAL, DAPHNA WEINSHALL,
and MI-SUEN LEE

Application 09/746,045
Technology Center 2600

Mailed: June 24, 2009

Before ERIC W. HAWTHORNE, *Supervisory Paralegal Specialist*
HAWTHORNE, *Supervisory Paralegal Specialist*.

ORDER RETURNING UNDOCKETED APPEAL

This application was electronically received by the Board of Patent Appeals and Interferences on August 14, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

EXAMINER'S ANSWER, EVIDENCE RELIED UPON

On July 2, 2007, an Examiner's Answer was filed. On page 3, the Examiner lists the "(8) Evidence Relied Upon." The Examiner's Answer fails to include the Lin reference, in the listing of evidence relied upon, as discussed in the Grounds of Rejection:

2. Claims 8-9 are rejected under 35 U.S.C.
103(a) as being unpatentable over Girod and Livitis in
view of Lin (U.S. Patent No. 6,346,933 B1).
(Ans. 5).

Accordingly, it is ORDERED that the application is
returned to the Examiner:

- 1) to correct the "Evidence Relied Upon" section of the
Examiner's Answer, filed July 2, 2007, to include the
Lin reference,
- 2) to send proper notification to Appellant;
- 3) and for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the
Board of Patent Appeals and Interferences at 571-272-9797

EWH/lis

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510